

SAN FRANCISCO
LOS ANGELES
ORANGE COUNTY
SAN JOSE

THELEN, MARRIN, JOHNSON & BRIDGES
ATTORNEYS AT LAW
805 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2207
(202) 962-3000
FAX (202) 842-0830

ORIGINAL
ORIGINAL
FILE
RECEIVED
NOV 12 1992
NEW YORK
HOUSTON
HONG KONG

Direct Dial:
(202) 962-3060

November 12, 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY MESSENGER

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Gen. Docket No. 90-314 and ET Docket No. 92-100

Dear Ms. Searcy:

On November 9, 1992, the Comments of Metriplex, Inc. were filed in the above-referenced dockets. The comments contained a facsimile copy of the original signature of Steven Stutman, the President of Metriplex. Attached is the original signature, which was received from Mr. Stutman today. Also enclosed is an original and five copies of the Summary which was prepared with the Comments but inadvertently omitted from the copies filed with the Commission.

Your assistance in associating these papers with the original pleading is greatly appreciated.

Yours very sincerely,

Lawrence J. Movshin
Lawrence J. Movshin

LJM/att
Enclosures
DC5EJ330.DOC

No. of Copies rec'd
List A B C D E

075

NOV 12 1992

Federal Communications Commission
Office of the Secretary

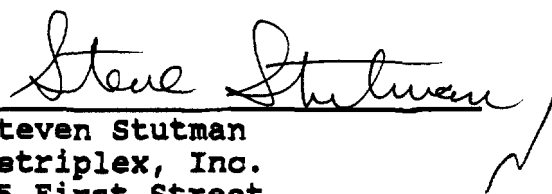
-14-

Metriplex asks the Commission to utilize this proceeding to distribute spectrum equitably to those who are serious about using it in developing and offer services to the public. Metriplex believes that this step is crucial to develop services to the American public as well as to sell American products to the world. To that end, we urge the reformulation of the proposed spectrum allocation to a plan that provides existing innovators with the necessary tools to move their innovations forward, in the form of Pioneer's Preferences for at least 50 kHz licenses, and that directs the to complete their innovative services and technologies and bring them to the marketplace or lose their opportunities to do so. Metriplex should receive its Pioneer's Preference and be authorized to develop its proposed HDNAP service.

Respectfully submitted,

METRIPLEX, INC.

By:


Steven Stutman
Metriplex, Inc.
25 First Street
Cambridge, MA 02141
(617) 494-9393

Lawrence J. Movshin. Esq.
Thelen, Marrin, Johnson Bridges
805 15th Street, NW
Suite 900
Washington, DC 20005-2207
(202) 962-3000
November 9, 1992

RECEIVED

NOV 12 1992

Federal Communications Commission
Office of the Secretary

Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In The Matter Of)	GEN Docket No. 90-314
)	ET Docket No. 92-100
Amendment of the Commission's)	RM-7140, RM-7175, RM-7617
Rules to Establish New)	RM-7618, RM-7760, RM-7782
Personal Communication)	RM-7860, RM-7977, RM-7978
Services)	RM-7979, RM-7980
)	

To: The Commission

COMMENTS OF METRIPLEX, INC.

SUMMARY

Metriplex, Inc. heartily endorses the Commission's decision to allocate substantial spectrum for the provision of new and innovative narrowband paging services, and in particular the availability of the 3 MHz block of frequencies which have been allocated for such purpose. However, the Commission has erred in denying Metriplex a Pioneer's Preference for its proposed HDNAP service. Metriplex and HDNAP present the very best example of entrepreneurial spirit and innovation that warrants and needs the licensing preference provided by the Pioneer's Preference rules in order to survive the lengthy rulemaking process.

Metriplex finds the Commission's reasoning and tentative conclusions about Metriplex contrary to the clear intent of the Pioneer's Preference regulations. Metriplex has done far more in the way of market identification and technological development than the Commission has recognized and has met the necessary

burden of demonstrating that its proposal is new, innovative and technically feasible.

The Commission's goal in this proceeding should be to find the approach which will provide for as many of the current Pioneer's Preference applicants as possible to continue their innovative developments, and to be assured that if they are successful in actually achieving some innovation they will get the opportunity to put that innovation in place. Metriplex proposes that all parties who have requested a Pioneer's Preference in the initial proceeding be granted a single, nationwide license for at least a 50 kHz block in either the 931 or 941 MHz bands (with a corresponding block in the 901-902 MHz band for low-power uses) to implement their basic service proposals. The licensees would be limited to providing the services and utilizing the technology proposed in their Pioneer's Preference application.

At the end of a 36 month period, the licensee would be required to submit a full report to the Commission as to what services had, in fact, been provided to the public, over what area, and as to actual construction then under contract, and based on that report, the agency would then either continue the license grants, limit them to the specific markets or regions then served or under immediate contemplation for service, or, in the absence of any meaningful development of service to the public, revoke them -- a "use it or lose it" approach.